

## Calendar No. 49

106TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
106-22

### EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

MARCH 17, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### REPORT

[To accompany S. 366]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 4, line 6, strike “present”.
2. On page 5, line 9, strike “State,” and insert in lieu thereof, “State, local governmental,”.

#### PURPOSE OF THE MEASURE

The purpose of S. 366, as ordered reported, is to designate the El Camino Real de Tierra Adentro National Historic Trail, in New Mexico and Texas, as a component of the National Trails System.

#### BACKGROUND AND NEED

American Indians established routes for trade and communication long before the arrival of the pioneers. One of these trade routes later became known as El Camino Real de Tierra Adentro (the Royal Road of the Interior) and for more than 300 years served as the primary route between the Southwestern United States and Mexico.

El Camino Real contributed to the exploration, conquest, military occupation, colonization, and settlement of a large segment of the

borderlands. The historic trail facilitated the immigration of Spanish colonials to New Mexico and other areas of what would become the United States. The colonials also fostered the spread of Catholicism, the growth of mining, and the development of an extensive network of commerce. Traders and travelers moving along the El Camino Real promoted cultural interaction among Spaniards, Native Americans, Mexicans, and Americans, particularly in the form of music, folk tales, medicine, colloquialisms, architecture, language, and agricultural practices.

The history of El Camino Real is more than a story of famous explorers, dates, and settlements. It is a story of grit and determination. In the 17th century, caravans of wagons and livestock struggled for months to cross the desert and bring supplies along El Camino Real to missions, mining towns, and settlements in New Mexico. The route is a symbol of the commercial exchange and cultural interaction between growing nations and diverse ethnic groups that contributed to the cultural evolution of the Southwestern United States.

Congress authorized a National Historic Trail feasibility study for El Camino Real in 1993 (Public Law 103-144). The National Park service completed this study in March 1997 and found that El Camino Real de Tierra Adentro met the criteria for designation as a historic trail. El Camino Real reaches from El Paso, Texas, to San Juan Pueblo, New Mexico, a distance of 404 miles. Roughly 42 miles of the route are in Texas and the remaining 362 miles are in New Mexico.

El Camino Real National Historic Trail would be administered by the Secretary of the Interior through partnerships with public agencies, nonprofit organizations, and private landowners.

#### LEGISLATIVE HISTORY

S. 366 was introduced on February 4, 1999 by Senators Bingaman and Domenici and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 366 on February 24, 1999.

During the 105th Congress the Committee considered a similar bill, S. 2039. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 2039 on June 18, 1998.

At its business meeting on July 29, 1998, the Committee on Energy and Natural Resources ordered S. 2039, favorably reported, without amendment. S. 2039 was passed by the Senate without amendment on October 14, 1998, but no further action was taken in the House of Representatives.

At its business meeting on March 4, 1999, the Committee on Energy and Natural Resources ordered S. 366 favorably reported, as amended.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 4, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 366, as described herein.

## COMMITTEE AMENDMENT

During the consideration of S. 366, the Committee adopted two minor conforming amendments to reflect changes made to the previous version considered by the Committee in the 105th Congress.

## SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title, the "El Camino Real de Tierra Adentro National Historic Trail Act."

*Section 2* lists the findings and purposes of the bill. The findings include: (1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals of San Juan de Los Caballeros, San Gabriel, and Santa Fe; (2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles; (3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland; (4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived; (5) in 1598, Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real; (6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States; (7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882; (8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and (9) El Camino Real fostered the spread of Catholicism, mining, and extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

*Section 3* amends section 5(a) of the National Trails System Act (NTSA) (16 U.S.C. 1244(a)) to include El Camino Real de Tierra Adentro National Historic Trail and authorizes the Secretary of the Interior to administer the trail. Section 5(a) of NTSA is also amended to designate the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively. In addition, the section states that no land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail without consent of the land owner. Section 3 also directs the Secretary of the Interior to encourage volunteer trail groups to participate in the development and maintenance of the trail and directs the Secretary to consult with other Federal, State, and local agencies, including Mexico, in administering the trail.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 11, 1999.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 366, the El Camino Real de Tierra Adentro National Historic Trail Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 366—El Camino Real de Tierra Adentro National Historic Trail Act*

CBO estimates that implementing this legislation would cost less than \$500,000 annually, assuming the availability of appropriated funds. The bill would not affect direct spending or receipts, so pay-as-you-go procedures would not apply. S. 366 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

S. 366 would amend the National Trails System Act to designate El Camino Real de Tierra Adentro (the Royal Road of the Interior) as a National Historic Trail. The segment of the El Camino Real considered for designation extends from El Paso, Texas, to San Juan Pueblo, New Mexico, a distance of 404 miles. The bill would provide for trail administration by the Department of the Interior and would permit the department to coordinate with U.S. and Mexican public and private entities on various projects to preserve and enhance the trail.

Based on information provided by the National Park Service (NPS), CBO estimates that the agency would spend about \$300,000, mostly in fiscal years 2000 and 2001, to prepare a comprehensive management plan. Also, the NPS would incur ongoing costs to administer and preserve the trail—about \$50,000 in fiscal year 2000, rising to between \$200,000 and \$300,000 by fiscal year 2002. Assuming appropriation of the necessary sums, CBO estimates that implementing this legislation would cost about \$1.2 million over the next five years.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 366. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 366, as ordered reported.

## EXECUTIVE COMMUNICATIONS

A representative from the National Park Service testified in support of S. 366 at a hearing before the Subcommittee on National Parks, Historic Preservation and Recreation on February 24, 1999.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 366, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 90-543, as amended—October 2, 1968)

SEC. 5. (a) National Scenic and National Historic Trails shall be authorized and designated only by an Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

\* \* \* \* \*

[( )] (18) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the "California Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment" and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

[( )] (19) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Ex-

press Trails, Eligibility/Feasibility Study/Environmental Assessment”, and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.

[( )] (20) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and U.S. Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled “Selma to Montgomery” and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.

(21) *El Camino Real de Tierra Adentro.*

(A) *IN GENERAL.*—*El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled “United States Route: El Camino Real de Tierra Adentro”, contained in the report prepared pursuant to subsection (b) entitled “National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico,” dated March 1997.*

(B) *MAP.*—*A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.*

(C) *ADMINISTRATION.*—*The trail shall be administered by the Secretary of the Interior.*

(D) *LAND ACQUISITION.*—*No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.*

(E) *VOLUNTEER GROUPS; CONSULTATION.*—*The Secretary of the Interior shall—*

*(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and*

*(ii) consult with affected Federal, State, and tribal agencies in the administration of the trail.*

(F) *COORDINATION OF ACTIVITIES.*—*The Secretary of the Interior may coordinate with united States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail infor-*

*mation and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.*

